**THE HONOURABLE SRI JUSTICE V.ESWARAIAH**

**WRIT PETITION No :19756 OF 2007**

**DATED:18-09-2007**

**BETWEEN:**

Mannam Pullaiah & 12 others.

**..... PETITIONERS**

**AND**

The District Collector,
Ongole,
Prakasam District & 2 others.

**.....RESPONDENTS**

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**ORDER:**

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in trying to evict the petitioners forcefully and highhandedly from the land in their possession in Sy.No.179/2 of Kondasamudram village, Voletivaripalem mandal, Prakasam District, as illegal and arbitrary.

3. It is the case of the petitioners that petitioners 1 to 8 and 10 to 15 are in possession and enjoyment of an extent of Ac.0.10 cents each and petitioners 9 and 15 are in possession and enjoyment of Ac.0.15 cents each in Sy.No.179/2, situated at Kondasamudram village, Voletivaripalem mandal, Prakasam District and to that effect a certificate was also issued by the Panchayat Secretary of the said Gram Panchayat. Whileso, 3rd respondent at the instance of the local M.L.A., has been threatening to dispossess the petitioners and in fact, he came along with his staff to the village on 14-09-2007 and directed the petitioners to vacate the said land within three days otherwise they would forcefully evict them.

4. I am not inclined to express any opinion with regard to the right, title, claim, and possession of the petitioners, but however, even if it is assumed that the petitioners are the encroachers of

the said land, and if they are in possession of the said land in Sy.No.179/2, without taking recourse to the provisions of the A.P.Land Encroachment Act, 1905, they cannot be dispossessed.

5. Having regard to the facts and circumstances of the case, Writ Petition is disposed of directing the respondents not to dispossess the petitioners without following due process of law. There shall be no order as to costs.

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**V.ESWARAIAH,J**

18th September, 2007.

**Note:**

Furnish C.C. of the order
by tomorrow.

B/o

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